

POINT/COUNTERPOINT

UNBORN VICTIMS LAW

The Unborn Victims of Violence Act veers to the wrong direction.

The simple act of intentionally harming a pregnant woman is a crime that is both reprehensible and grotesque. Anyone guilty of such an act deserves to be prosecuted to the fullest extent of the law.

But the Unborn Victims of Violence Act, signed into law by President Bush on April 2, is a wolf in sheep's clothing.

Proponents say the legislation aims to protect women when they're at their most vulnerable, but in reality, the law easily could open the door to future legislative flanking by those who would seek to overturn the U.S. Supreme Court's decision in *Roe v. Wade*, the landmark 1973 abortion-rights case.

It's difficult to deny that, on the surface, the spirit of the unborn victims law seems benign. The act makes harming a fetus during an attack on the mother a separate federal crime, resulting in two charges rather than one. The law encompasses criminal acts ranging from assault to murder.

The law is limited to injury inflicted in federal crimes such as terrorist attacks or drug-related shootings. But many states already have similar laws aimed at everyday offenses, and many more are likely to adopt them in the near future.

The rub lies in the fine print. Pro-life proponents of the unborn victims law scored a major victory with the inclusion of language that explicitly identifies a child in utero as a "member of the species homo sapiens, at any stage of development, who is carried in the womb."

Pro-choice critics of the new law find this language frightening. For the first time a fetus, at any point in development from fertilization to birth, has been identified legally as an individual member of the human race, a separate legal entity from the mother.

The implications of this language have far-reaching implications. If a two-day-old fertilized egg is a separate entity, as is implied by this new act, then how can abortion not be construed as murder according to the law?

Provisions within the unborn victims act excuse women seeking abortions from prosecution, but the exceptions hardly would be comforting for pro-choice advocates. It's the precedent set by the law that has many activists worried.

And on a state level, laws with similar wording can open up new dimensions of possible legal abuse. Rev. Doug Edwards, rector at St. Ambrose Episcopal Church in Claremont, Calif., outlined a plausible scenario in a report by the Los Angeles Times.

"For example, a 21-year-old female does not know that she is three-days pregnant," he said. "While playing softball, her opponent intentionally runs into her. ... The next day she visits the doctor for her bruises, has blood work, discovers she is pregnant, miscarries, and asks the district attorney to file murder charges against her overaggressive opponent."

The potential for abuse is unsettling. Underneath the surface, the spirit of the law is hardly concerned with protecting vulnerable women.

If that were the case, legislative supporters and critics could have compromised with an amended version of the act put forth by Sen. Diane Feinstein, D-Calif., that promised the same result without language that established a fetus as a legally separate entity.

Feinstein's plan, according to The Washington Post, would have created a separate offense for "terminating or interrupting a pregnancy in an attack on a woman."

It would have addressed the egregious nature of an attack on a pregnant woman through more stringent criminal penalties without including the contentious language. Feinstein's plan was narrowly rejected by her fellow senators.

After the passage of the Unborn Victims of Violence Act into law, the future of abortion rights seems stuck in a philosophical and legal quagmire, with nothing left to do but sink.

Pro-choice advocates shouldn't be surprised to see the language of this law turned against them sometime in the near future.

And if that happens, it would be a very sad day for women's rights, indeed.

Harming a pregnant woman should bear a heavier sentence.

Several weeks ago, the U.S. Congress passed the Unborn Victims of Violence Act. This new act makes it so that violent federal crimes against a pregnant woman are regarded as two separate offenses — the first being against the mother and the second being against the unborn child.

The new law only applies to federal crimes, and it explicitly exempts abortion.

In part driven by the death of Laci Peterson — a pregnant California woman who was murdered in 2002 — the new federal law would make any kidnappings across state lines, acts of terrorism or violent crimes on military bases against pregnant women heavier crimes in order to account for the lives of unborn children.

The Unborn Victims of Violence Act also defines an unborn child as "a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb."

This new law finally corrects some glaring omissions in federal law.

Twenty-nine states already have passed similar laws making it a double crime to harm a pregnant woman and her unborn child.

The Unborn Victims of Violence Act is hardly a new concept.

And it is absolutely ludicrous to say that killing a woman who is eight months pregnant is not at all worse than killing any other person picked at random.

There clearly is a difference, and it is only right to finally establish that distinction in the text of the federal statutes.

However, it would be wrong to make it more of a crime to kill a pregnant woman. That would imply that her life was more valuable than that of the average person on the street.

Lawmakers in both the U.S. House of Representatives and the Senate overwhelmingly have come to the correct conclusion that killing a pregnant woman is more of an injustice because the child dies as well.

The Senate appropriately passed the bill by a margin of almost two to one. Two people die, so it logically makes sense that there are two crimes.

But pro-choice advocates decry the Unborn Victims of Violence Act. They say it contains language that might be used to threaten a woman's legal right to abort her child in the first and second trimesters.

Planned Parenthood complains that the definition of an unborn child as a member of the human species in the womb gives rights to fetuses that they don't deserve.

They worry that abortion and stem-cell research both could be hampered by the new legal definition.

But opponents of the law miss the point. This is not a law intended to stop stem-cell research, despite President Bush's initial knee-jerk reaction to a complicated topic.

The definition includes the "carried in the womb" phrase as well as exemptions to medical treatment when the mother's life is in jeopardy. These exemptions were added to avoid conflicts with the mother's right to her own health and potentially revolutionary medical breakthroughs.

Nor does the Unborn Victims of Violence Act make abortion a crime. It specifically exempts legal abortions from being newly defined as criminal offenses.

The law is about protecting pregnant women and their unborn babies. It does not include any moral condemnation of abortion or any other of a number of exceptional cases, such as stem cell research.

To oppose this updating of our federal laws based on threats to a legal right that is upheld specifically in this law would be socially irresponsible.

Imagine if a pregnant person you know was harmed violently in a federal case, resulting in the death of the unborn child.

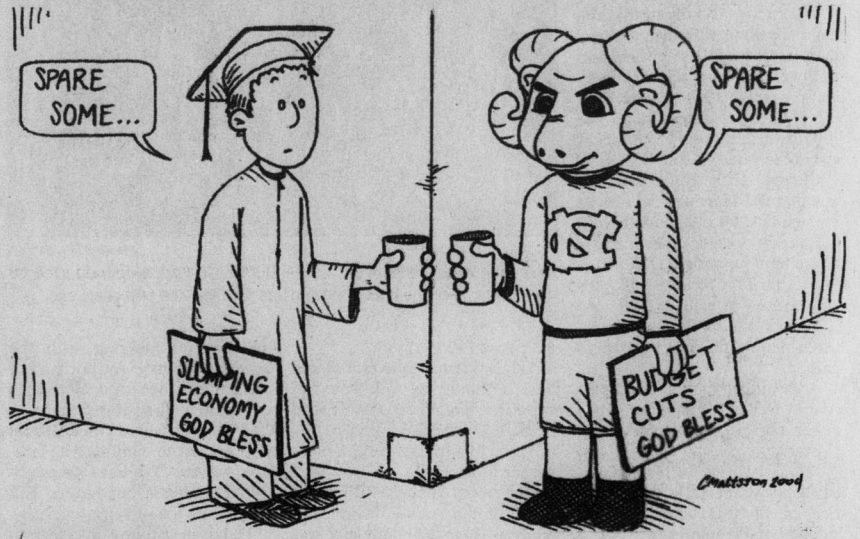
Decency demands that justice be full and fair. The Unborn Victims of Violence Act allows for such fairness without compromising the ability of the nation's criminal justice systems to render justice with all necessary force.

ON THE DAY'S NEWS

"The states are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing pregnancies." JUSTICE HARRY A. BLACKMUN, *ROE V. WADE*

EDITORIAL CARTOON

By Chris Mattsson, mattsson@email.unc.edu



COMMENTARY

Police, community dropped the ball in protecting victim

Whether it's productive or not, justified or uncalled for, lots of us fellas get into fights as we grow up. It's a rite of passage for many in the Y-chromosome crowd. Aside from giving men an extra extremity, the male chromosome seems to pass on other traits such as slovenliness, poor fashion sense and a proclivity to forego rational thought and action in favor of fisticuffs.

Our reasons for having brawled are as disparate as our ages and maturity levels were when we finally threw down. Maybe in elementary school the cool kid with the Jell-O Pudding Snacks put you down for having to grub the school's Salisbury steak. Beginning in middle school, a few big dudes too dumb to be geeks and too inept to meet girls brought the ruckus with their bullying.

It's undeniable what makes us get into amateurish boxing bouts after we leave our folks' home. We drink, so we fight — with very little skill, for the most part. While we can come up with innumerable reasons for steppin' outside with somebody, none are valid excuses.

Unless it's self-defense, fighting is an indefensible crime in regard to the law. As it should be. You get punished, and other would-be pugilists are made to think twice about putting their dukes up.

Here in Chapel Hill, our police department gets the unenviable task of enforcing these laws. Its charge is noble and often thankless, and we owe our officers a heap of gratitude and appreciation for protecting us. But we also owe the department an admonishment for not initially classifying the attack on an Indian UNC student three weeks ago as "ethnic intimidation."

According to his statements to



NICK EBERLEIN
THE VILLAGE MEGALOMANIAC

the police, Gagandeep Bindra was walking down the sidewalk across from the downtown Visart Video three weeks ago when a teenager sneered at him and called him Osama bin Laden. He replied, "your mother," and kept walking. Then, he says, the teen and his two companions jumped him.

So the police booked the alleged assailants on assault charges. But unlike other fights that can be traced to drunkenness or plumb stupidity, this one seems to be grounded in nothing more than blind hate and bloody ignorance.

This incident, as reported, fits the paradigm of the bullies that we all knew so well as kids. Some tough guy insults you without reason, and you're either a punk if you don't respond or a target if you stand up to his violent idiocy.

If Bindra hadn't worn his Sikh religious head scarf that day, or maybe if he wasn't Arabic-looking, his jaunt down Franklin Street would have ended at his home, not the police department or the hospital where his brave friend was taken after trying to defend him.

If this fight went down as it's been described, it was bred from ignorance, hate and racism. As much as we require protection from physical attacks, we should be defended from these even more dangerous facets of society.

The failure of our police department to charge the three arrested with a hate crime immediately

reminds me of the famous story told by a Lutheran priest about the Holocaust. He turned a blind eye when the Nazis came, first for the Jews, and later for the Catholics, Communists and homosexuals. After all, he wasn't one of any of them. But when they came for him, none were left to defend him.

And the police didn't defend Bindra. Sure, they charged those charged in the incident with assault, a protection toward his physical well-being. But they did not ensure the protection and respect of his, or anyone else's, culture, religion or humanity.

The ethnic intimidation charge was not tacked onto the teenage trio's rap sheet until Bindra met Wednesday with Chapel Hill police Chief Gregg Jarvis and District Attorney Carl Fox. It shouldn't have come to that. The community should have stuck up for Bindra without him having to plea for a blatantly obvious charge.

Bindra's courage to stand up for what he believed was the truth reflects our community's cowardice. I understand it's hard to decipher how the ethnic intimidation statute works in court, but come on. If it walks, quacks, and acts like a duck ... you know.

Even if the law's logic is fuzzy, the logic behind Bindra's repeated, and identical, accounts of what happened aren't. Damn whatever the courts might rule. Make it known that hate cannot and will not be taken lightly. That the police protect our bodies from harm every day is an honorable and brave thing — but it's a shame that our yellow-bellied community forced the victim to go it alone in protecting his humanity.

Contact Nick Eberlein at stimidk@email.unc.edu.

QUOTABLES

"If there's one thing academics can't stand, it's something new."

RAY BROWNE,

RETIRED PROFESSOR AT BOWLING GREEN STATE UNIVERSITY, ON HOW POP CULTURE PROGRAMS HAVE FACED OPPOSITION FROM MORE ESTABLISHED ACADEMIC DEPARTMENTS.

"Basically, anyone who believes road money is spent fairly, effectively and efficiently is misinformed."

FERN SHUBERT,

STATE SENATOR AND GUBERNATORIAL CANDIDATE, ON MISUSE OF FUNDS FOR STATE ROADS.

"It would be like Charlie getting inside the chocolate factory after walking by for so long."

KRISTA BREMER,

UNC GRADUATE STUDENT, ON WORKING FOR "THE SUN" AFTER READING IT FOR EIGHT YEARS.

READERS' FORUM

Flat raise plan gives more relief to particularly needy

TO THE EDITOR:

The Salary Increase Resolution, called "flawed" by your April 14 editorial, passed the Employee Forum unanimously and without amendment after waiving the rules to get it through on first reading. The Personnel Issues Committee developed this resolution with consensus from all nine forum divisions.

Cost of living increases in recent years and increases in health-insurance costs effectively have decreased take-home pay for most state employees. We all experience loss, recognizing that those lower on the salary scale suffer most and in more critical ways. That is a good reason — but not the only reason — we asked for a flat increase.

A flat increase has the combined advantage of helping more where it is needed most while helping all to a reasonable extent. A flat increase also is less expensive to fund than a percentage increase because it tops off the highest paid employees at a doable figure. In tight budget times, this is a win-win proposal.

We really are not asking for the moon. And yes, if the state can fund 10 percent (or 5 percent) increases across the board, we will take them. The flat increase proposal is a "best this year" option, not limiting us from doing better in the future. We feel it goes a long

way in the right direction to help state employees, and we are 100 percent behind it.

Tommy Griffin
Chairman
Employee Forum

Delita Wright
Chairwoman
Personnel Issues Committee

Volunteers fighting family violence deserve praise

TO THE EDITOR:

Everyone would agree that volunteer service in one's community is a good idea.

As the volunteer coordinator at Family Violence Prevention Center of Orange County, I'd like to thank publicly the men and women who put this idea into action by volunteering as hot line counselors, court advocates, community educators, childcare providers, support group facilitators and board members.

These volunteers — 40 at last count — are not trained therapists, social work graduate students or full-time philanthropists. They are a diverse group of regular folks, ranging in age from 18 to 70, whose day jobs include a dog walker, a law school student, a bed and breakfast owner, a full-time mom, a bank president, a waitress and a dean.

Do they have more time than the rest of us? No, but they do have

a personal ethic of volunteer service and a vision that Orange County should be a place where women, men and children are safe from violence in their family and dating relationships.

They are willing to give up weekends, holidays and late-night sleep to ensure that help is available 24 hours a day, every day of the year, to victims of domestic violence, their families, friends and the community.

As part of National Volunteer Appreciation Week, which will take place from April 19-23, our staff would like to extend a heartfelt thanks to these volunteers. Thanks to their generous contributions of time and energy, our agency is a place where victims of family violence and community members can seek assistance and support.

If you can imagine yourself as part of this outstanding group, please call 929-3872 to find out more about becoming a volunteer.

Caroline Wells Pence
Volunteer Coordinator
FVPC of Orange County

Attention

Applications are now available for columnists, cartoonists and members of The Daily Tar Heel Editorial Board.

The forms, which can be found at the DTH front desk in Suite 104 of the Student Union, are due by 5

p.m. Tuesday.

All of these positions provide opportunities for dedicated students to present their views and opinions to the newspaper's readers.

If you have any questions, please contact Editorial Page Editor-select Elliott Dube at dubee@email.unc.edu.

CLARIFICATION

The editorial entitled "Time to get tough," published Tuesday, April 13, inappropriately gave the impression that Student Attorney General Carolina Chavez's new campaign against hazing was targeted exclusively at Interfraternity Council fraternities.

Chavez explicitly established her concerns with hazing within all University organizations.

The Daily Tar Heel editorial staff regrets the error.

TO SUBMIT A LETTER: The Daily Tar Heel welcomes reader comments. Letters to the editor should be no longer than 300 words and must be typed, double-spaced, dated and signed by no more than two people. Students should include their year, major and phone number. Faculty and staff should include their title, department and phone number. The DTH reserves the right to edit letters for space, clarity and vulgarity. Publication is not guaranteed. Bring letters to the DTH office at Suite 104, Carolina Union, mail them to P.O. Box 3257, Chapel Hill, NC 27515 or e-mail them to: editdesk@unc.edu.

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